

REMARKS/ARGUMENTS

Claims 1-59 are pending in the present application. Claims 1, 13, 35 and 48 are independent claims. No claims are amended in this Amendment.

Allowable Subject Matter

Applicant appreciates the Examiner's indication that claims 8-12, 20-23, 29, 40-43 and 55-59 would be allowable if rewritten into independent form. However, Applicant notes that claim "20" is indicated as being allowable twice on Page 15 of the 3/19/2009 Office Action. Applicant believes that this is the result of a typographical error, and that the Examiner intended to indicate claim 30 as being allowable in this section because claim 30 was not rejected in the Office Action. Applicant respectfully requests a clarification on this point in a response Action.

35 U.S.C. §102(e) Lau

Claims 1-7, 13-19, 24-28, 31 and 48-54 stand rejected under 35 U.S.C. §102(e) as being unpatentable over Lau (US 6,690,657). Applicant respectfully traverses this art grounds of rejection.

Lau is directed to a multi-channel distributed wireless repeater network. The repeater network of Lau is a "plug and play" network wherein low-powered repeaters are distributed throughout a desired coverage area, and each repeater receives a signal from a transmitter, or a re-transmitted signal from another repeater, channel-shifts the received signal to another channel and rebroadcasts the channel-shifted signal (See Column 4, lines 6-40 of Lau). Thus, the coverage area is inundated with the original transmission at different channels throughout the coverage area. Lau avoids the expected interference problems of such a distributed network by configuring each repeater to be relatively weak (See Column 4, lines 5-9 of Lau).

FIGS. 4 and 5 of Lau illustrates repeaters 68 and 78, and a number of transmit/receive (T/R) modules 62, 64, 70, 74 and 80. With regard to the functionality of repeaters 68 and 78, Lau states the following:

Repeaters 68 and 78 have a single task to perform: they receive signals on a first channel (CH1) and retransmit these signals on a second channel (CH2).
(Column 5, lines 32-33 of Lau)

However, in the present rejection, the Examiner has cited to portions of Lau at Col. 10, lines 21-29 that discuss functionality of the T/R modules, and not the repeaters 68 and 78.

This is a very important distinction, because the T/R modules are described as follows:

The T/R modules have not been described in block diagram form, because their construction can be almost identical to that of the repeaters described above. *The main difference is that T/R modules do not "repeat" data per se—they receive some data and transmit different data, according to a transmission path set up between the T/R module and a remote T/R module. Another difference is that T/R modules necessarily include a demodulator to receive signals and demodulate them in order to receive digital data.*

(e.g., see Col. 10, lines 29-37 of Lau, Emphasis added)

As emphasized in the above-excerpt of Lau, the T/R modules do not repeat data.

Thereby, the T/R modules are not repeaters. As such, the claim limitations directed to operation of a repeater cannot read on this aspect of Lau.

Further, Applicant notes that the Examiner has cited to the T/R modules of Lau because these modules are controlled by the base station through higher-layer protocols. However, the repeaters 68 and 78 are not controlled in this manner. Aside from any such teaching being absent in Lau, Lau actually states that “[a]nother difference [between the T/R modules and the repeaters 68 and 78] is that T/R modules necessarily include a demodulator to receive signals and demodulate them in order to receive digital data” (e.g., see Col. 10, lines 35-37 of Lau). As will be appreciated, this section implies that the repeaters in Lau do not have demodulators and

do not receive digital data. Because of this, it is unclear how the repeaters could establish a higher-layer management link with another network node because they are incapable of receiving higher-layer digital data.

In summation, Applicant believes that the Examiner has confused the teachings of Lau's T/R modules with Lau's repeaters, that Lau's repeaters do not function as claimed, and that Lau's T/R modules do not operate as repeaters and are thereby outside the scope of the claim language. For this reason, Applicant respectfully submits that Lau cannot disclose or suggest "establishing a management link with the at least another WLAN node at a higher layer of the communication protocol" and/or "configuring at least one of the first and second RF link based on a message associated with the communication protocol and transferred on the management link between the frequency translating repeater and the at least another WLAN node" as recited in independent claim 1 and similarly recited in independent claims 13 and 48.

As such, claims 2-7, 14-19, 24-28, 31 and 49-54, dependent upon independent claims 1, 13 and 48, respectively, are likewise allowable over Lau at least for the reasons given above with respect to the independent claims.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

35 U.S.C. §103(a) Lau

Claims 32-39 and 44-47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lau. Applicant respectfully traverses this art grounds of rejection.

For the reasons discussed in the preceding section, Applicant respectfully submits that independent claims 1, 13 and 48 are allowable over Lau. For similar reasons, Applicant respectfully submits that independent claim 35 is also allowable over Lau. As such, claims 32-

34, 36-39 and 44-47, dependent upon independent claims 13 and 35, respectively, are likewise allowable over Lau.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

Reconsideration and issuance of the present application is respectfully requested.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue, or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

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Respectfully submitted,

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